

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ABRAHAM KLEINMAN,

Plaintiff,

v.

Case No. 1:22-cv-2566-ALC

ROC CAPITAL HOLDINGS LLC,
CHAIM PORGES, and HELENA
PORGES,

Defendants.

**DECLARATION OF MOSHE O. BOROOSAN IN SUPPORT OF
PLAINTIFF'S *EX PARTE* MOTION FOR A RECEIVER
AND MOTION FOR EXPEDITED DISCOVERY**

MOSHE O. BOROOSAN declares pursuant to 28 U.S.C. §1746 as follows:

1. I am the principal attorney at the Law Offices of Moshe Boroosan, P.C., counsel to Plaintiff Abraham Kleinman ("Plaintiff" or "Kleinman") in the above-captioned action. I am a member in good standing of the bar of New York State and this Court. I submit this declaration in support of Plaintiff's *Ex Parte* Motion for the Appointment of a Receiver and for Expedited Discovery.

2. Plaintiff is proceeding by order to show cause, rather than by notice of motion, because of the urgency of the requested relief. Plaintiff has not provided notice of its application for the appointment of a receiver because notice of this application may cause Defendants to dissipate the New Jersey Properties, *i.e.*, the properties for which a receiver is sought.

3. Plaintiff has not previously moved for the appointment of a receiver or for expedited discovery, or any similar applications relating to this action, to this or any other Court.

4. The facts set forth herein are based on my personal knowledge, including facts learned through investigation.

5. On January 28, 2022, I called Evan Hakimi, a Senior Loan Originator at Roc Capital to discuss the New Jersey Transaction. I explained that I was counsel to Abraham Kleinman and was seeking documents and information relating to the New Jersey Transaction.

6. During the call, Mr. Hakimi stated that he had received numerous phone calls about the New Jersey Transaction and indicated that Mr. Porges himself was contemplating another refinance. Mr. Hakimi declined to provide any additional information about Mr. Porges or the new loan he had referenced.

7. Mr. Hakimi then stated that he was uncomfortable providing documents informally and asked my office to submit a formal request for documents and/or a subpoena to Lucas Sambrook, Roc Capital's general counsel.

8. I terminated the call and did not have any other correspondence or communication with Mr. Hakimi.

Dated: Brooklyn, New York
May 3, 2022

LAW OFFICES OF MOSHE BOROOSAN, P.C.

/s/ Moshe O. Boroosan
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